

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DAVONTE NICHOLSON,	)	CASE NO. 3:20-cv-2545
	)	
	)	
PETITIONER,	)	JUDGE SARA LIOI
	)	
vs.	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
WARDEN DONALD R. MORGAN,	)	
	)	
	)	
RESPONDENT.	)	

Before the Court is the Report and Recommendation (“R&R”) of a magistrate judge with respect to the above-entitled petition for writ of habeas corpus. (Doc. No. 14.) The R&R recommends dismissal of the petition because it is both untimely and otherwise procedurally defaulted and/or meritless.

Under 28 U.S.C. § 636(b)(1)(C):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [ . . . ]

The R&R was filed on August 11, 2022, and was sent to petitioner Davonte Nicholson (“Nicholson”) that same day by regular mail. As of the date of this order, no objections have been filed, no extension has been requested, and no mail has been returned as undeliverable.

The failure to file written objections to a magistrate judge’s report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the

report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the magistrate judge's R&R and accepts the recommendation that denial of the petition is appropriate. The Court further accepts the recommendation that no certificate of appealability is warranted.

Accordingly, the Court denies the petition in its entirety for the reasons set forth in the R&R. Further, the Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

Dated: September 2, 2022

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**